

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

UNITED STATES OF AMERICA

Plaintiff,

vs.

BRENDA J. PENN

Defendant.

Case No.: 2:05cr315-SRW

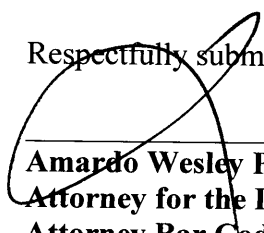
MOTION FOR CONTINUANCE

COMES NOW, Defendant Brenda J. Penn, by and through his undersigned counsel and move this Honorable Court for a continuance of the trial set for September 11, 2006 in the above-styled cause. In support thereof, defendant shows the court as follows:

1. The defendant and the government have agreed to dispose of this case via pre-trial diversion. There is a pending pre-trial diversion investigation and this cause will not be ready for trial as scheduled. The defendant and the government are in agreement that a continuance is in order. The pretrial diversion package has not been completed. Further defense counsel has a criminal jury trial term that commences on September 11, 2006 in the Escambia County Circuit Court.
2. Contemporaneously filed herewith is a notice of waiver of speedy trial and the defendant's waiver of his right to a speedy trial.

WHEREFORE, PREMISES CONSIDERED, defendant moves the court for a continuance of the trial.

Respectfully submitted,



Amardo Wesley Pitters, Esquire
Attorney for the Defendant
Attorney Bar Code: PIT025

OF COUNSEL:

A. WESLEY PITTERS, P.C.
1145 South Perry Street
Post Office Box 1973
Montgomery, Alabama 36102-1973
Telephone: (334) 265-3333
Telecopier: (334) 265-3411
Email: awpitters@pitterslawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 6 day of September, 2006, a copy of the foregoing was duly served upon the following counsel of record:

Hon. Kent Brunson
Assistant United States Attorney
Office of the United States Attorney
Criminal Division
Middle District of Alabama
Post Office Box 197
Montgomery, Alabama 36101-0197

Hon. Neal B. Frazier
Special Assistant United States Attorney
HQ AU/JA
50 LeMay Plaza South
Maxwell AFB, Alabama 36112-6334

by United States Mail.



Amardo Wesley Pitters, Esquire